

CITY COUNCIL AGENDA

JANUARY 22, 2002

SYNOPSIS

LINDA J. LE ZOTTE
FORREST WILLIAMS
CINDY CHAVEZ
CHUCK REED
NORA CAMPOS

DISTRICT 1
DISTRICT 2
DISTRICT 3
DISTRICT 4
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER
GEORGE SHIRAKAWA, JR.
DAVID D. CORTESE
JOHN DIQUISTO
PAT DANDO

DISTRICT 6
DISTRICT 7
DISTRICT 8
DISTRICT 9
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- **Strategic Support Services** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- **Economic and Neighborhood Development** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- **Recreation and Cultural Services** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- **Transportation Services** — A safe and efficient transportation system that contributes to the livability and economic health of the City.
- **Environment and Utility Services** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- **Aviation Services** — Provide for the air transportation needs of the community and the region at levels that are acceptable to the community.
- **Public Safety Services** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 10 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

1. **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item/s that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
2. When the Council reaches your item on the agenda, Mayor Ron Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
3. Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
4. To assist you in tracking your speaking time, there are three lights located to the far right of the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

- **Call to Order and Roll Call**
9:30 a.m. - Closed Session, Room 600, City Hall
Absent: Council Member Dando (excused).

11:00 a.m. Joint Session, 5750 Almaden Expressway, San José
Absent: Council Members – None.
Absent: Santa Clara Valley District Water Board of Directors – None.

1:40 p.m. - Regular Session, Council Chambers, City Hall
Absent: Council Members – None.

7:00 p.m. - Public Hearings, Council Chambers, City Hall
Absent: Council Members – None.
- **Invocation**
From San José Samoan Seventh Day Adventist Church, Counselor for the Pathfinder Club, Youth Minister and Choir Member Safata Safotu sang “Great Is Thy Faithfulness” for the invocation. (District 1)
- **Pledge of Allegiance**
Mayor Gonzales led in the Pledge of Allegiance.
- **Orders of the Day**
Approved

1 CEREMONIAL ITEMS

- 1.1 Presentation of a commendation to Coach Jerry Smith and the Santa Clara University Women’s Soccer team for winning the 2001 NCAA Championship. (Dando)**
Joining Mayor Gonzales at the Podium were Council Member Dando and Cheryl Levick, Director of Athletics, Santa Clara University, who accepted the commendation; nationally recognized “Coach of the Year”, Santa Clara University Head Coach Jerry Smith; and Assistant Coaches Richard Manning, Eric Yamamoto, and Shawn Percell. Mayor Gonzales presented awards to each coach and team member Erin Sharpe, Taline Tahmassian, Veronica Zepeda, Alyssa Sobolik, Kerry Cathcart, Jaclyn Campi, Aly Wagner, Anna Kraus, Lana Bowen, Leslie Osborne, Jessica Ballweg, Emma Borst, Devvyn Hawkins, Bree Horvath, Katie Sheppard, Allie Teague, Danielle Slaton, Chardonnay Poole, Kristi Candau, Holly Azevedo, Erin Pearson, and Ynez Carrasco. Mayor Gonzales and Council Member Dando commended and congratulated the 18-member Santa Clara University Soccer Team for winning the 2001 NCAA Championship – 22 wins and 2 losses.

1 CEREMONIA ITEMS

- 1.2 Presentation of a commendation to Oak Grove Pop Warner Red Devil football team for a successful season. (Mayor/Williams)

Joining Mayor Gonzales and Council Member Williams at the Podium were Head Coach Dave Haney, Assistant Coaches Kyle Garcia, Phil Garcia, Shawn Haney, Luis Marengo, David McPherson, Johnny Padilla, Mike Payne, Randy Ricks, and Bob Valerio, and two-time defending National Championship Football Team Members Ryan Bacon, Mark Castelo, Cody Chavez, Trace Cimoli, Daniel Clark, Akis Dionisopoulos, Jerid Ferranti, Brandon Haney, Nick Loreda, Carlos Marrazzo, Justin McPherson, Edward Montelongo, Timothy Najar, Jason Nkwuo, Bryan North, Isiah Pannell, Aaron Payne, Kyle Ricks, Edmundo Rodriguez, Adam Salazar, Anthony Salazar, Raymond Sanchez, Isaac Tenorio, Sergio Topete, Ryan Trocki, and Daniel Valerio. Mayor Gonzales presented the commendations to the Oak Grove Pop Warner Red Devil Football Team and congratulated the athletes on their successful season.

- 1.3 Acceptance of a donation in the amount of \$16,000 from Silicon Valley Auto Dealers Association (SVADA) for the purchase of child safety seats and booster seats. (Police) (Rules Committee referral 1/16/01)

Chief of Police William M. Lansdowne joined Mayor Gonzales at the Podium and introduced Silicon Valley Auto Dealers Association Vice President Mark Normandin, and Executive Director Steve Smith. On behalf of the 72 auto dealers in the San José area, Mr. Normandin presented a replica of the \$16,000 check to the City of San José, which contribution will assist the Police Department with its Child Passenger Safety Seat Program, and purchase installation parts and child safety and booster seats for distribution to families on limited income. Mayor Gonzales expressed the City's appreciation for the Association's donation.

See Item 2.15 for Council action taken.

2 CONSENT CALENDAR

- 2.1 Approval of Minutes.

Recommendation: Approval of City Council Minutes for:

- (a) Regular meeting of August 7, 2001

Approved.

- (b) Regular meeting of August 14, 2001

Approved.

2 CONSENT CALENDAR

2.2 Final adoption of ordinances.

Recommendation: Final adoption of ordinance:

- (a) ORD. NO. 26556 – Amends Section 9.10.2420 and 9.10.2430 of Chapter 9.10 of Title 9 of the San José Municipal Code to extend the construction and demolition debris deposit program exception for roofing projects and to add exemptions for certain types of projects.

Ordinance No. 26556 adopted.

2.3 Approval of a concession agreement to maintain Federal Express drop boxes in Terminals A and C at the Airport.

Recommendation: Approval of a concession agreement with Federal Express Corporation to maintain two overnight drop boxes in Terminals A and C at the Norman Y. Mineta San José International Airport, with an estimated annual revenue to the City of \$1,200. (Airport)

Approved

2.4 Approval of various fiscal actions for Redevelopment Agency Capital Projects.

Recommendation: Adoption of appropriation ordinance and funding sources resolution amendments in the Services for Redevelopment Capital Projects Fund (City-side Redevelopment Fund) for the Twohy Building Public Art Project with a net impact to the fund of \$100,000, and adoption of a resolution making certain determinations regarding the expenditure of Redevelopment Agency funds on certain public improvements. (City Manager's Office)

Ordinance No. 26560 adopted.

Resolution No. 70799 adopted.

Resolution No. 70800 adopted.

2.5 Approval of fiscal actions for the Right-of-Way/Land Acquisition Projects.

Recommendation: Adoption of appropriation ordinance and funding sources resolution amendments in the Construction Excise Tax Fund with a net impact to the fund of \$125,550 for the Right-of-Way/Land Acquisition Projects. Council Districts 3 and 6. (City Manager's Office)

Ordinance No. 26561 adopted.

Resolution No. 70801 adopted.

2 CONSENT CALENDAR

2.6 Approval to amend the agreement to expand the list of authorized staff to transmit instructions to Wells Fargo Bank.

Recommendation: Adoption of a resolution authorizing the City Manager to negotiate and execute a first amendment to the agreement with Wells Fargo Bank for securities custody services to expand the list of City staff who are authorized to transmit instructions to Wells Fargo Bank concerning City assets. (Finance)

Resolution No. 70802 adopted.

2.7 Approval of open purchase orders for the purchase of supplies, materials, equipment, and services.

Recommendation: Approval of award of open purchase orders for supplies, materials, equipment, and services for FY 2001-2002 #19, and authorization for the Director of General Services to execute the purchase orders. (General Services)

Approved.

2.8 Approval to award the purchase of one multi-channel voice recorder system for the Police Department.

Recommendation: Report on bids and award the purchase of one multi-channel voice recorder system to the sole bidder, Gosserco, Inc. for a total cost of \$168,394.92, including tax, installation and training, and authorization for the Director of General Services to execute the purchase order. (General Services)

Approved.

2.9 Approval of an appropriation for the Innovative Branch Service Model Project.

Recommendation: Adoption of appropriation ordinance amendments in the Library Construction and Conveyance Tax Fund for the Innovative Branch Service Model Project in the amount of \$300,000. (Library/City Manager's Office)

Ordinance No. 26562 adopted.

2.10 Approval of a resolution confirming that city funds committed to the Children's Health Initiative will not be substituted by the David and Lucile Packard Foundation grant to the Santa Clara Family Health Plan Foundation.

Recommendation: Adoption of a resolution confirming that city funds committed to the Children's Health Initiative will not be substituted by the David and Lucile Packard Foundation grant to the Santa Clara Family Health Plan Foundation. (Mayor)

Resolution No. 70803 adopted.

2 CONSENT CALENDAR

2.11 Approval of a Contract Change Order for the Fourth Major Interceptor Phase V/VA Project.

Recommendation: Approval of Contract Change Order No. 3 with Mountain Cascade, Inc., for the Fourth Major Interceptor Phase V/VA Project in the amount \$192,644.20, and credit of \$63,750, for a total contract amount of \$21,687,958, and extending the term by forty working days, for a total of 367 working days. CEQA: Resolution No. 60197. Council District 4. (Public Works)

Approved.

2.12 Approval of lease agreements of office space located at 43 E. Gish Road.

Recommendation: Approval of two five-year lease agreements for the Department of Parks, Recreation and Neighborhood Services with Menara Corporation, each for 4,900 square feet of office space in their building located at 43 E. Gish Road, at a rental rate of \$13,475 per month for the first floor, and \$12,250 per month for the second floor during the first year of the lease with annual increases at a rate of 3 percent to \$15,166 for the first floor, and \$13,787.50 for the second floor during the fifth and final year of the lease. (Public Works)

Approved.

2.13 Approval of a Contract Change Order for the San Tomas Expressway Trunk Sanitary Sewer Rehabilitation Phase I Project.

Recommendation: Approval of the following:

- (a) Approval of Contract Change Order No. 1 for the San Tomas Expressway Trunk Sanitary Sewer Rehabilitation Phase I Project, in the amount of \$170,000, for a total contract amount of \$1,417,833, and an extension of ten working days for a total of 210 working days.

Approved.

- (b) Adoption of the following appropriation ordinance amendments in the Sanitary Sewer Connection Fee Fund:

- (1) Increase the San Tomas Expressway Trunk Project in the amount of \$170,000.

- (2) Decrease the Ending Fund Balance in the amount of \$170,000.

CEQA: Exempt. Council District 1. (Public Works/City Manager's Office)

Ordinance No. 26563 adopted.

2.14 Approval of appointment to the San Tomas Aquino/Saratoga Creek Streamside Park Trail Committee.

Recommendation: Approval of appointment of Council Member Linda LeZotte to the San Tomas Aquino/Saratoga Creek Streamside Park Trail Committee. (Mayor)
(Rules Committee referral 1/16/02)

Approved.

2 CONSENT CALENDAR

2.15 Adoption of a resolution accepting a donation for the purchase of child safety seats.

Recommendation:

- (a) Adoption of a resolution accepting a donation of \$16,000 from the Silicon Valley Auto Dealers Association for the purchase of child passenger safety seats.

Resolution No. 70804 adopted.

- (b) Adoption of the following appropriation ordinance and funding sources resolution amendments in the Gift Trust Fund:

- (1) Increase the estimate for Earned Revenue by \$16,000.
(2) Establish an appropriation for the child safety seats for the Police Department in the amount of \$16,000.

(Police/City Manager's Office)

(Rules Committee referral 1/16/02)

Ordinance No. 26564 adopted.

Resolution No. 70805 adopted.

2.16 Approval to amend an agreement with Spectrum Gaming Group related to card rooms.

Recommendation: Adoption of a resolution authorizing the City Attorney to negotiate and execute amendments to the agreement for consultant services with Spectrum Gaming Group for additional compensation up to a total amount not to exceed \$400,000, subject to appropriation of funding. (City Attorney's Office)

(Rules Committee referral 1/16/01)

Resolution No. 70806 adopted.

2.17 Approval to donate a surplus aerial fire ladder truck.

Recommendation: Adoption of a resolution authorizing the Director of General services to execute all documents necessary for the donation of one surplus aerial fire ladder truck with an estimated value of \$30,000 to H.X. Ayuntamiento de Comondú, Baja California del Sur, Mexico. (General Services)

[Rules Committee referral 1/9/02 – Item 3.2(h)(1)]

Resolution No. 70807 adopted.

END OF CONSENT CALENDAR

3 STRATEGIC SUPPORT SERVICES

3.1 Report of the Study Session Mayor Gonzales, Chair No report.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – January 9, 2002

Vice Mayor Shirakawa, Jr., Chair

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
The Redevelopment Agency items to be reported out at Redevelopment Agency Board meeting.
- (b) City Council
 - (1) Review January 22, 2001 Draft Agenda
Member Dando expressed concern regarding the complexity and order in which items will be heard during the evening session. The Committee approved the January 22, 2002 City Council Agenda with four additions.
 - (2) Add New Items to January 15, 2001 Amended Agenda
The Committee recommended four additions to the January 15, 2001 City Council Agenda.
- (c) City Council Committees
 - (1) Amendments to Council Committee Agendas
 - (a) Finance and Infrastructure Committee
The Committee recommended one addition, *Wireless Communications Evaluation and Recommendations Report (Airport)*, to the January 23, 2002 Finance and Infrastructure Committee Agenda.
 - (b) Economic Development and Environment Committee
None Filed.
 - (c) Education, Neighborhoods, Youth, and Seniors Committee
None Filed.
- (d) Meeting Schedules
None Presented.
- (e) The Public Record
No Public Record Filed.
- (f) Boards, Commissions and Committees
 - (1) Suggestion Award Commission
The Committee recommended reappointment of the Director of Conventions, Arts and Entertainment to the Suggestion Award Commission for the term December 1, 2002 to November 30, 2003.

3 STRATEGIC SUPPORT SERVICES

3.2 Report of the Rules Committee – January 9, 2002 (Cont'd)

Vice Mayor Shirakawa, Jr., Chair

- (g) Council Referrals for Assignment to Appropriate Committee, Administration, or Council Appointee

The Committee (1) referred a request from Member Cortesé to City Administration to initiate an audit of the Boys and Girls Club of Silicon Valley for the 2001 Fiscal Year pursuant to current contractual relations between the parties either through an outside audit or through San José's City Auditor, whichever is deemed appropriate or expedient by the City Manager, and (2) directed the City Attorney to report back on January 16, 2002 on the existing regulations and policies governing the timing and placement of discussion or referral items on the Rules Committee Agenda.

- (h) Administrative Reviews and Approval

- (1) Request to waive City policy for sale of surplus equipment to allow a 1979 Ford Telesquirt to be donated to the Municipal of De Comondu, Mexico
The Committee recommended approval to waive the City's Policy for sale of surplus equipment to allow a 1979 Ford Telesquirt to be donated to the Municipal De Comondu, Mexico.

See Item 2.17 for Council action taken.

- (i) Oral communications
None Presented.

- (j) Adjournment
The meeting was adjourned at 2:25 p.m.

The Rules Committee Report and actions of January 9, 2002 accepted with Item 3.2(h)(1) acted upon at Item 2.17.

3.3 Report of the Finance and Infrastructure Committee – January 9, 2002

Council Member Dando, Chair

Meeting Canceled.

Next Meeting Scheduled for January 23, 2002, 2:30 p.m., Room 204, City Hall.

3 STRATEGIC SUPPORT SERVICES

3.4 Approval of an ordinance to increase the benefits of certain surviving spouses of members of the Police and Fire Department Retirement Plan.

Recommendation: Approval of an ordinance amending Chapter 3.36 of Title 3 of the San José Municipal Code to increase the benefits of certain surviving spouses of members of the Police and Fire Department Retirement Plan who retire on or after February 4, 2000, and of certain surviving spouses of members who die on or after February 4, 2000, but prior to retirement.

(Board of Administration/Police & Fire Department Retirement Plan)

Ordinance No. 26565 passed for publication.

3.5 Approval of an ordinance to permit surviving spouses to continue medical coverage for children under a guardianship arrangement.

Recommendation: Approval of an ordinance amending Section 3.36.1920 of Chapter 3.36 of Title 3 of the San José Municipal Code (Police and Fire Department Retirement Plan) to permit surviving spouses to continue medical coverage for children under a guardianship arrangement.

(Board of Administration/Police & Fire Department Retirement Plan)

Ordinance No. 26566 passed for publication.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

**4.1 Report of the Economic Development & Environment Committee – January 7, 2002
Council Member Williams, Chair**

(a) Monthly Status Report on Housing Production Team Action Items

(b) Monthly report on Affordable Housing Production

The Committee accepted the reports.

(c) Oral petitions

None Presented.

(d) Adjournment

The meeting was adjourned at 1:55 p.m.

The Economic Development & Environment Committee Report and actions of January 7, 2002 accepted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.2 Discussion of reasonable accommodation policies and process of notification.

Recommendation: Presentation on Policies and Procedures for Reasonable Accommodation in the application of Zoning regulations to Group Homes. (City Attorney's Office)

[Economic Development & Environment Committee referral – Item 4.1(i)]
(Deferred from 11/20/01 – Item 4.4 et al., and 12/18/01 – Item 4.2)

Council discussed and accepted public testimony on the reasonable accommodation policies and process of notification and deferred final action with the following directives to the City Manager and the City Attorney to develop ordinance, zoning, and other changes necessary to (a) recognize that group homes are businesses and as such should conform to reasonable guidelines for operation in residential neighborhoods; (b) revise the group home per person square footage requirement to allow for adequate living space; (c) adopt guidelines to ensure that all group home facilities operate at a minimum standard; (d) revise noticing procedure consistent with land use policies; (e) review the Dispersal Policy and make recommendations, as appropriate, to ensure that no one area is inordinately impacted; and (f) submit a report to Council via appropriate Council Committee which also incorporates responses to Council Members' concerns raised during tonight's discussion.

4.3 Public Hearing to consider various properties as historic landmarks.

Recommendation: PUBLIC HEARING on the designations as landmarks of special historic, architectural, cultural, aesthetic, or engineering interest or value of a historic nature of the following:

- (a) The Charles O. Bocks Residence located at 1645 The Alameda (Historic Landmark No. 141). Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. Council District 6.

Resolution No. 70812 adopted.

- (b) The Clara Louise Lawrence Residence located at 1146 Randol Avenue (Historic Landmark No. 142). Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. Council District 6.

Resolution No. 70813 adopted.

- (c) The IBM Building located at 99 Notre Dame Avenue (Historic Landmark No. 143). Director of Planning, Building and Code Enforcement recommends approval. No Planning Commission action required. Council District 3.
(Planning, Building and Code Enforcement)

Resolution No. 70814 adopted.

4 ECONOMIC & NEIGHBORHOOD DEVELOPMENT

4.4 Approval of various actions related to Villa Monterey Apartments.

Recommendation: Adoption of resolutions:

- (a) Approving a funding commitment of up to \$2,950,000 for an acquisition/construction and permanent loan to KDF Communities-Villa Monterey, LLC, or an affiliated entity, for the acquisition, rehabilitation, and permanent financing of the 120-unit Villa Monterey Apartments development affordable to low- and very low-income households on a 7.49-acre site located at 2898 Villa Monterey Drive.

Resolution No. 70808 adopted.

- (b) Finding that the use of 20% Housing Funds for the project is of benefit to Redevelopment Project Areas; and
- (c) Expressing its intent to issue up to \$11,000,000 in multifamily tax-exempt revenue bonds to finance the construction of the development; and
- (d) Authorizing the Acting Director of Housing to file an application with California Debt Allocation Committee (CDLAC) for an allocation of up to \$11,000,000 in private activity bonds for the project, and;
- (e) Authorizing the Acting Director of Housing to negotiate and execute a Deposit and Escrow Agreement with KDF Communities-Villa Monterey, LLC, or an affiliated entity, for the CDLAC application for the project.

Council District 7. (Housing/Finance)

(Rules Committee referral 1/16/01)

Resolution No. 70809 adopted.

5 RECREATION & CULTURAL SERVICES

5.1 Report of the Education, Neighborhoods, Youth, and Seniors Committee Council Member Chavez, Chair

No Report.

5.2 Approval of the Camden Community Center Master Plan Amendment.

Recommendation: Approval of the Camden Community Center Master Plan Amendment. CEQA: Negative Declaration. Council District 9. SNI: Union and Curtner. (Public Works/Parks, Recreation and Neighborhood Services)

Approved.

5 RECREATION & CULTURAL SERVICES

5.3 Approval of various actions related to an application for local assistance funds.

Recommendation: Adoption of a resolution:

- (a) Approving the filing of an application for local assistance funds up to \$4,293,089, from the Roberti-Z' Berg-Harris Urban Open Space and Recreation Grant Program under the Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000 as administered by the State Department of Parks and Recreation, to be used for the projects recommended in the report; and
- (b) Authorizing the City Manager to negotiate and execute all documents relating to the grant funding agreement.

(Parks, Recreation and Neighborhood Services)

Resolution No. 70810 adopted.

5.4 Recommendation that the Golf Course located at Tuers Road, Capitol Expressway, and Lone Bluff Way be named “Los Lagos.”

Recommendation: Consideration of the Parks and Recreation Commission’s recommendation that Council name the Golf Course located at Tuers Road, Capitol Expressway, and Lone Bluff Way “Los Lagos.”

(Parks and Recreation Commission/City Clerk)

Approved.

5.5 Approval of Strong Neighborhoods Improvement Plans.

Recommendation:

- (a) Approval of the Washington Neighborhood Revitalization Plan Strong Neighborhoods Initiative Update. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). Council Districts 3 and 7. SNI: Washington.

Approved.

- (b) Approval of the Greater Gardner Neighborhoods Improvement Plan as the shared vision for revitalization of the area. CEQA: Resolution No. 65459. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1). Council Districts 3 and 6. SNI: Gardner.

(Planning, Building and Code Enforcement)

Approved.

5.6 Approval of a contract for the Vista Park Play Area Renovation Project.

Recommendation: Report on bids and award of contract for the Vista Park Play Area Renovation Project to the low bidder, Boulder Rock Construction, Inc., to include the base bid and Add Alternatives No. 1 - 4, in the amount of \$735,943, and approval of a contingency in the amount of \$74,000. CEQA: Negative Declaration. Council District 10. (Public Works)

Approved.

5 RECREATION & CULTURAL SERVICES

5.7 Approval of a Master Agreement for consultant services for the Happy Hollow Park & Zoo Parks Bond Project.

Recommendation: Approval of a Master Agreement for consultant services with Portico, Inc., for the Happy Hollow Park & Zoo Parks Bond Project for the period January 23, 2002 through April 30, 2010, in an amount not to exceed \$1,500,000. SNI: Tully/Senter. (Public Works)
(Rules Committee referral 1/16/02)

Approved.

5.8 Approval of a Memorandum of Understanding between the City of San José and San José Unified School District.

Recommendation: Approval of a Memorandum of Understanding between the City of San José and San José Unified School District to allow for recreational use of certain school property in South Almaden Valley. (City Attorney's Office)
(Rules Committee referral 1/16/02)

Approved.

6 TRANSPORTATION SERVICES

7 ENVIRONMENTAL & UTILITY SERVICES

The following Item was Heard in Joint Session at 11:00 a.m. at the Santa Clara Valley Water District Building Site, 5750 Almaden Expressway, San José

7.1 Discussion of partnerships between the City of San José and the Santa Clara Valley Water District. (City of San José/Santa Clara Valley Water District)

Recommendation:

- (a) Approval of a Memorandum of Agreement between the City of San José (City) and the Santa Clara Valley Water District (District) that provides for:
 - (1) District funding of a percentage of the costs to be incurred by the City in construction of the South Bay Water Recycling (SBWR) Silver Creek Pipeline and associated facilities and City provision of recycled water to the District through the new Pipeline; and

This item continued on the next page.

7 ENVIRONMENTAL & UTILITY SERVICES

7.1 Discussion of partnerships between the City of San José and the Santa Clara Valley Water District. – (Cont'd.)

Recommendation:

- (a) Approval of a Memorandum of Agreement between the City of San José (City) and the Santa Clara Valley Water District (District) that provides for:
 - (2) Development of a long-term plan for the ownership, operation, management, and expansion of the SBWR system that protects the water supply and optimizes opportunities to meet future water supply and wastewater discharge needs for Santa Clara County.

CEQA: Resolution No. 64667.

Approved.

- (b) Adoption of a resolution by the City Council, authorizing the City Manager to negotiate and execute a Parks, Trails, and Open Space Partnership Plan between the City and the District for the purpose of coordinating and collaborating on the acquisition and expansion of additional trails and park/open space within the floodplain areas and along watercourses in the City and operation of trails park/open space along watercourses within the City.

Resolution No. 70798 adopted.

- (c) Support for the development of a Master Maintenance Permit between the City and the District for maintenance of City facilities that cross, or encroach into, the creeks.

Approved.

The City Council and the Santa Clara Valley Water District unanimously approved the costs and related actions for extending the City's recycled water pipeline into Coyote Valley, with consideration given (1) to the imposition of higher purity standards than those imposed by the State Department of Health Services; and until advanced treatment processes are developed, recycled water cannot be used for turf irrigation in Coyote Valley; (2) to irrigate golf courses, industrial parks, athletic fields, and other large-scale landscapes in San José, Santa Clara and Milpitas by diverting treated wastewater from the San José-Santa Clara Water Pollution Control Plan in Alviso to save endangered wildlife; and (3) to the creation of a joint plan for parks, trails and open space on Water District-owned land adjacent to a number of creeks and rivers throughout San José.

8 AVIATION SERVICES

9 PUBLIC SAFETY SERVICES

10 JOINT COUNCIL/REDEVELOPMENT AGENCY

- Closed Session Report
- Notice of City Engineer's Pending Decision on Final Maps
In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's pending decision on the following Final Maps:
None.

In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:
None.
- Open Forum
Ross Signorino commented on construction costs for the new City Hall.

11 PUBLIC HEARINGS

11.1 Public Hearing on a street renaming.

Recommendation: PUBLIC HEARING ON STREET RENAMING of a proposed frontage road running parallel to the east of State Highway 87, between the northerly line of West Hedding Street and southerly line of Coleman Avenue to Guadalupe Road.

CEQA: Exempt.

District 3

(Continued from 12/4/01 – Item 11.1 et al., and 1/8/02 – Item 11.3)

Continued to 02/05/02.

11.2 Public Hearing on conditional use permit appeal for a project at 1500 Leigh Avenue.

Recommendation: PUBLIC HEARING ON CONDITIONAL USE PERMIT APPEAL of the Planning Commission's decision to approve a Conditional Use Permit for a project located at the east side of Leigh Avenue, approximately 450 feet northerly of Hamilton Avenue (1500 Leigh Avenue) on a 2.91 gross acre site in the R-1-8 Zoning District, to allow up to 450 students at a proposed private school and for the construction of a 29,376 square foot building for classroom use on an existing church site. (Trinity Evangelical Lutheran Church, Owner; Valley Christian School, Developer). CEQA: Negative Declaration. Director of Planning, Building and Code Enforcement recommends approval with conditions a through f and Planning Commission recommends approval with conditions a and c through f (6-1-0):

- (a) Revise landscape plan to include additional trees along the southerly project boundary of a size and variety that will not interfere with the softball field, in the school play areas and/or along the project frontage.
- (b) Remove the two basketball courts, relocate the lunchtime eating area to the current general location of the basketball courts maintaining a minimum 40-foot setback from the residential property line and add landscaping between the lunch area and the eastern site boundary.
- (c) Revised plans should provide ADA compliant pedestrian access from the drop-off area as close to the existing church building as possible. Pedestrian access gate/s should be clearly delineated.
- (d) Provide a soundwall detail with a decorative finish on both sides.
- (e) Revise plans to provide signage prohibiting left turns out of the existing and proposed driveways.
- (f) Revise the plan set to include a second parking lot driveway located to the north of the proposed driveway. Reconfigure the parking layout to achieve a minimum of 50 parking spaces.

CP 01-06-047 - District 6

(Continued from 1/8/02 – Item 11.1)

Appellants Opposition Withdrawn.

Resolution No. 70811 adopted.

Disqualified: Reed, Valley Christian School is client of law firm.

11 PUBLIC HEARINGS

11.3 Public Hearing on planned development rezoning at North First, Taylor, Miller, and Asbury Streets.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located on the block bounded by North First, Taylor, Miller, and Asbury Streets, from R-2 Residence and CG Commercial Zoning District to A(PD) Planned Development Zoning District, to allow up to 400 attached residential units and 7,000 square feet of commercial uses on 2.8 gross acres. (Barry Swenson Builder, Owner/Developer). CEQA: Negative Declaration.

PDC 00-09-086 - District 3

(Continued 12/4/01 – Item 11.6 and 12/18/01 – Item 11.3)

Continued to 02/05/02.

11.4 Public Hearing on planned development rezoning at Almaden Avenue and Oak Street.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the southwest corner of Almaden Avenue and Oak Street, from CN Neighborhood Commercial Zoning District to A(PD) Planned Development Zoning District, to allow up to four multi-family attached residential living units on 0.16 gross acre. (ASE Consulting Engineering, Inc., Owner; Luke Bollinger, Developer). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 01-07-080 - District 3

(Continued from 12/18/01 – Item 11.8)

Continued to 02/05/02.

11.5 Public Hearing on planned development rezoning at McCreery Avenue.

Recommendation: PUBLIC HEARING ON PLANNED DEVELOPMENT REZONING of the property located at the east side of McCreery Avenue, approximately 190 feet northerly of San Antonio Street, from R-1-8 Residence Zoning District to A(PD) Planned Development Zoning District, to allow the construction of 2 single-family detached residences on a 0.41 gross acre site. (Robert Fowle and Cortland Lanning; Owner/Developer). CEQA: Exempt. Director of Planning, Building and Code Enforcement and Planning Commission recommend approval (6-0-1).

PDC 01-02-016 - District 5

(Continued from 1/8/02 – Item 11.2)

Ordinance No. 26567 passed for publication.

- **Open Forum**

David Wall spoke on the audit of the Water Pollution Control Plant.

- **Adjournment**
The Council of the City of San Jose adjourned at 11:30 p.m.